



# REZONING

September 21, 2006

FILE: RZ 06-09-06

R-1 & R-2 to R-2 RCO

<b>Property Information</b>	
<b>Tax ID</b>	Tax Map 073 Parcels 012, 012A, and 012B
<b>Location/address</b>	213 Foxdale Drive Byrd Road
<b>Parcel Size</b>	±.22.31 acres
<b>Current Zoning</b>	R-1 and R-2 (Single Family Residential)
<b>Existing Land Use</b>	Single family residential
<b>Future Land Use</b>	Property is located 0.5 mile from the Tier I ETC node, and 0.6 mile from the Tier II Belair node
<b>Request</b>	R-2 RCO (Single Family Residential with a Residential Cluster Overlay)
<b>Commission District</b>	District 3 (Ford)
<b>Recommendation</b>	Approve with conditions

## Summary and Recommendation

Harry and Ruth Nelson-Abbot, owners, and Great Water Homes, applicant, request the rezoning of three parcels totaling 22.31 acres from R-1 and R-2 to R-2 with a Residential Cluster Overlay (RCO). The parcels are located behind Evans High School, and have access from Byrd Road, Rhett Drive and Foxdale Drive. Approximately 5.6 acres of the proposed development are currently zoned R-2, while the remaining 17.7 acres are currently zoned R-1. The surrounding properties are zoned R-2 to the south, and R-1 to the north, east and west. In addition, there is Columbia County greenspace area located adjacent to the proposed development on its western edge. The proposed rezoning would, in effect, shift the R-1/R-2 demarcation line 700 feet to the west. It is interesting to note that Evans High School is currently zoned R-1 and R-2.

Staff first had to determine whether the 17.7 acres that are currently zoned R-1 should be rezoned to R-2. The R-1 district is intended for areas that are not served by public sanitary sewer service. Since sanitary sewer service is available from a number of access points, the proposed rezoning merits consideration. In addition, the property is located in close proximity to both a Tier I and Tier II node, and is adjacent to well established residential subdivisions. Finally, the development will not cause excessive or burdensome use of public facilities and services.

Staff then evaluated whether or not the requested addition of the Residential Cluster Overlay (RCO) is warranted. The first step in reviewing a proposed rezoning which requests the addition of the RCO provision is to determine whether the property meets the criteria set forth in the zoning code. According to Section 90-55 of the code, an RCO is intended to preserve open space, protect environmentally sensitive areas, enhance scenic views, and promote better neighborhood and urban design without increasing the underlying allowable density. Typically, there are topographical constraints on the property, (i.e. lakes or ponds, wetlands, or severe slopes), that limit the available area for development. There is a pond at the



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center of the development that is approximately 3 acres in size. There are additional wetlands areas around the pond, and the site is also severely sloped. Under a typical R-2 layout without these topographical issues, the parcels could yield 45 to 55 lots under normal R-2 subdivision yield. The application proposes 53 lots ranging from 6,000 square feet to 22,000 square feet. The minimum lot size in the R-2 RCO district is 6,000 square feet. The average lot size of the development is 9,260 square feet. The overall average lot size required is 7,500 square feet. The overall density of the project is 2.37 units per acre. That density is consistent with medium density residential, as well as other recent developments in the area.

The proposed development plan, as submitted, would have two access points from county maintained public streets. The main access is from Byrd Road, and would be the sole access for 48 of the 53 residential lots. The secondary access is from Rhett Drive in the Anderson Ridge subdivision and would serve as the access for 5 lots. There is an additional access point from Foxdale Drive within the Evanston subdivision, but the development plan does not propose using that access. According to the subdivision code, unless approved otherwise by the Planning Commission, a subdivision shall provide a street connection to each public street that it adjoins, and shall provide direct or indirect continuity through the subdivision between each connection. Therefore staff will require the access street from Foxdale Drive to be extended into the development.

While staff is receptive to the cluster concept of the proposed development, there is some concern from both staff and adjoining property owners about that portion of the development that adjoins Byrd Road to the north. Staff believes that the topography of that portion of the property will mitigate those concerns. The nearest residential structure to the northern boundary of the development is over 400 feet, and is separated by dense tree growth. Fourteen of the proposed eighteen lots that adjoin Byrd Road are below 10,000 square feet, which is the minimum lot size allowed in the R-2 zoning district where the RCO provision is not applied. It is anticipated that if lots 1-18 were held to a 10,000 square foot minimum, the applicant would lose 5-6 lots. It is unclear whether the applicant could recover some of those lots in other areas. Staff also is concerned that the proponent has not used the stub out to Dry Creek Road.

## Interdepartmental Review

### Conditions

**Planning:** The development is required to provide a street connection to Foxdale Drive, in accordance with Section 74-79 of the Subdivision Code. Sidewalks are required on both sides of all roads in the development.

**Engineering:** The property is located in the Euchee Creek drainage basin. Post-developed discharge must be less than pre-developed conditions through the 50-year storm. On-site storm water detention will be required.

1. State waters are present on the property. If a stream buffer variance is required for any aspect of site work, you must have approval from the Georgia EPD.
2. The existing pond cannot be used to store sediment; a temporary sediment basin will be required.
3. The property contains wetlands; a Jurisdictional Determination must be submitted to and approved by the United States Army Corps of Engineers.



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4. If site improvements disturb more than one acre, the proper National Pollution Discharge Elimination System permit and associated fees must be submitted to the Georgia Environmental Protection Department and Columbia County 14 days prior to land disturbance.
5. Storm water detention will be required unless site improvements result in no net increase in runoff.
6. A deceleration lane, dimensioned for the posted speed limit will be required.
7. No irrigation systems are allowed in the right-of-way per Section 66-4 of the Columbia County Code of Ordinances.
8. If access to the property is granted along an existing county road, the owner will be responsible for repairing all damage caused by construction vehicles.
9. A site plan must be submitted to and approved by the County Engineer.
10. All proposed improvements must conform to current county standards.

**Water and Sewer:** Owner/Developer is responsible for all costs to serve parcels with water and sewer service.

**Storm water:** Permanent drainage and utility easements are required over all storm water infrastructure.

**Construction and Maintenance:** Developer to acquire necessary right-of-way and construct new access to be compatible with existing county road. Right-of-way required and developer to deed new road to county upon approval by Engineering Department.

**Green Space:** All passive open space (green space) must either be placed in a conservation easement and held by a land trust or placed in the Columbia County Green Space Program. There must also be access easements designated to give access to open space.

## Comments

**Water and Sewer:** County water is available on a six inch line on Byrd Road and Rhett Drive. County sewer is available on an eight inch line located on Rhett Drive. This project will not affect the capacity of existing water and sewer infrastructure.

**Stormwater:** There are no active projects in the area.

**Planning:** Walking paths leading to the pond and other common areas will be beneficial to the overall pedestrian traffic system within the subdivision.

**Construction and Maintenance:** This project will not affect the priority of planned road projects.

**Health Department:** Should have county sewer.

**Board of Education:** Belair Elementary and Evans Middle School are at capacity. Evans High School is above capacity. New construction through Columbia County has and will continue to bring families into areas of our school system that are presently overcrowded. When overcrowded conditions occur in any one of our schools, there is a possibility that children will be housed in portable classrooms. With the influx of new subdivisions being built around our schools, the problem with traffic congestion and road access during school morning and afternoon hours as students are being picked up or dropped off will continue to increase. This project is navigable by school buses.

**Sheriff:** There have been traffic accidents in the past 12 months. This project will affect safety and traffic conditions in the area. Development in this area will increase vehicular traffic. Additional patrols will be needed to monitor increased traffic flow, safety conditions, and crime prevention. There is adequate access for public safety vehicles.

**Green space:** This property is located in a targeted area for green space. There are green space program lands adjacent to this property on the south west side.

## Criteria for Evaluation of Rezoning Request



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Criteria Points	Comment
Whether the zoning proposal will permit a use that is suitable in view of the zoning and development of adjacent and nearby property.	The request is consistent with the prevailing zoning and land use pattern.
Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	The request will not adversely affect the nearby neighborhood.
Whether the zoning proposal is compatible with the purpose and intent of the GMP.	The zoning proposal is compatible with the purpose and intent of the GMP.
Whether there are substantial reasons why the property cannot or should not be used as currently zoned.	The property could be developed as currently zoned; however that availability of sanitary sewer does support the rezoning of the parcels to R-2.
Whether the proposal could cause excessive or burdensome use of public facilities or services.	The proposal would not cause excessive or burdensome use of public facilities or services.
Proposal is supported by new or changing conditions not anticipated by the GMP or reflected in existing zoning on the property or surrounding properties.	Proposal is reflected in existing zoning on the property and surrounding properties.
Proposal reflects a reasonable balance between the promotion of Health, Safety, and Welfare against the right to unrestricted use of property.	The request meets this balance test.